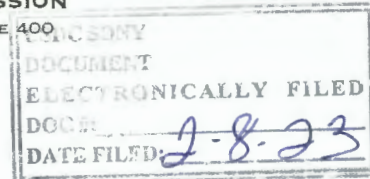




UNITED STATES  
SECURITIES AND EXCHANGE COMMISSION  
BROOKFIELD PLACE, 200 VESEY STREET, SUITE 400  
NEW YORK, NY 10281-1022



February 7, 2023

*Via ECF*

Hon. Lewis A. Kaplan  
United States District Judge  
Southern District of New York  
500 Pearl Street  
New York, NY 10007-1312

Re: *SEC v. Muller*, 21-cv-6048 (LAK) (S.D.N.Y.)

Dear Judge Kaplan:

Plaintiff Securities and Exchange Commission ("Commission") respectfully seeks leave to file under seal the enclosed letter to the Court ("Letter") pursuant to the Court's Individual ECF Filing Practices ¶ 2 and ECF Rules & Instructions, Section 6. The Letter concerns non-public information.

By letter dated October 22, 2021 (ECF No. 10), the Commission requested that the Court enter a partial consent judgment as to Defendant Marlon Muller ("Muller") because the parties had reached a partial settlement to resolve the non-monetary relief that the Commission seeks in this case but leave open for later resolution by motion (or settlement) the monetary relief sought. The Court entered the judgment the same day (ECF No. 11). As indicated in the October 2021 letter, the Commission anticipated that the parties would try to negotiate a resolution of the monetary relief the Commission seeks in this action without the need to conduct formal discovery and requested that the Court not close this matter until the Commission seeks a final judgment resolving the outstanding issues of civil penalties and disgorgement.

The Commission provided a status update on August 29, 2022, which the Court permitted to be filed under seal. (ECF Nos. 12-14.) The Letter provides a further status update concerning the efforts to resolve the outstanding claims for monetary relief. The Commission respectfully seeks leave to file the Letter under seal.

Respectfully submitted,

/s/ Paul G. Gizzi

Paul G. Gizzi  
Senior Trial Counsel

Enclosure

cc (via email): Steven R. Glaser, Esq.  
Counsel for Defendant

*Granted*  
SO ORDERED  
*L. A. Kaplan*  
2/9/23  
LEWIS A. KAPLAN, USDJ